439 556 [583] in lieu of the death penalty [21] and they also served as betrothal presents.[22]

A village or a group of villages would possess fishing grounds in common. These were open to the free use 423 226 [685] of the members of the group but were prohibited to outsiders and violations of fishing grounds had to be compensated. In the *Hokkaidō Dojin Hōshiki Sonota Zatsuji Dai-Ryakuchō* [*HDHS*] [Great Abridged Compendium of the Laws and Other Matters of the Hokkaidō Natives] it says:

> In hunting or fishing, in the mountains or the sea, there was usually a boundary between districts and it was forbidden to hunt or fish in the territory of another district. [224 685] In hunting, when people from Hitaka and Tokachi poached in the Ishikari region any native who apprehended them was authorized to confiscate their skins after interrogation. They were not deprived of their catch prior to questioning.

423 224 According to the native Mombetsu Urenbōku,[23]

> There is a boundary within which we can catch deer, bear, and fish and the natives of the village are not allowed to hunt outside their territory. If they went into other territory, they would be immediately punished.

423 [175] While it may seem that the above divisions were the result of the *Basho* contract system, the fact seems to be that the *Basho* themselves were divided according to the hunting and fishing territories of the Ainu. For example, here is a judgment rendered in 1767 when the Atsuta *Basho* and the Masuke *Basho* quarreled over ● [671] their boundary line, "Affairs in Ezo shall be settled according to the custom of the Ezo." [24] A more positive proof lies in the fact that this custom of boundaries is found in the island of Etorofu where no *Basho* was established. In *Etorofu Shi* [History of Etorofu] under the year 1809 it says,

> There are boundaries, both in the mountains and the sea of which the chiefs are in charge. Outside one's own boundary one is prohibited from so much as even cutting a blade of grass. In the event that one sights a group of whales he is to receive permission from the chief of the territory and the catch is to be apportioned under the orders of the chief. The law is very stringent and anyone violating it is deprived of his catch as a punitive compensation after a charge and deliberation.

423 628 The quarrels among the Ainu communities were chiefly over hunting and fishing rights. Not only were hunting and fishing grounds communally owned but the community hunted and fished as a unit. In the *Ezo Kembun Shi* [A History of Personal Experiences in 423 226 [229] Ezo] 7, there is a translation of an epic or *Yukara* (in reality an *Isotaku* or hunting legend) supposedly dictated by an Ezo from Osarubetsu which gives a vivid description of how the Ainu help each other in bear

[21] Kindaichi Kyōsuke, *Yukara Kenkyū* (Studies in *Yukara*) 2: 240.

[22] Kōnō Tsunekichi, *Kyūdojin* (Aborigines), 8.

[23] *Hokkaidō Times*, June 29, 1918.

[24] Matsumae Hironaga, *Fukuyama Hifu Kokou Sojō-bu* (Section on Petitions, Fukuyama archives) in *SHS* 5: 234.

A F *648 *175 177 627 [492]

hibited there may be those who will have nothing to offer in atonement and therefore will escape punishment. Since there are bound to be disputes which will not be settled unless *Tsuchiuchi*, atonement, or some form of penalty is assessed, it is advised that such disputes be brought before a magistrate and the more serious ones be transferred to Edo for severe reprimand. During the winter when no officials are stationed in the countryside the *Otona*, *Waki Otona*, and *Kozukai* shall accept complaints and report on them as soon as possible when officials arrive in the spring at which time the complaints will be reviewed and proper action taken. Naturally, certain cases will arise from misunderstandings on the part of both parties and it should be noted that, once a case has been brought up publicly and the disputants summoned to official quarters, it will not be possible to settle it secretly.

There has also been a custom of challenging a person to argue over unreasonable matters and having the loser pay atonement. From now on anyone forced into such an argument will report to the officials and receive instructions and the same goes for situations wherein anyone is challenged by an Ezo from outside the *Basho*.

A F [692]

5. There will arise the problem of how to deal with wrongdoers if the custom of *Tsugunai* is forbidden. The following should clear up any doubts on the matter. There is no written law here and all criminal matters are settled according to tradition. The Bakufu wants to educate these people and apply the Japanese pattern of life to this island. In Japan there are laws set up by authority. Murder is punished by death, adultery is punished by death, and theft is punished according to its seriousness—from beating and tattooing for a slight offense to weightier penalties for more serious offenses. There are other laws such as those which reward people, dutiful and obedient to parents, those friendly to relatives, those who are generous, benevolent, and hardworking. There are many other laws which it is impossible to illustrate and which will gradually be introduced on the island. In short, the reason for Bakufu administration is to establish various rules and laws in the hope that this island will be rid of its traditions and come to live like Japan. The *Otona* and *Kozukai* will be village officials as they are called in Japan and they will make every effort to govern their village successfully. They will encourage the people to work hard so that they will not encounter famine and the laborers must be accustomed to the ways of the mainland. This is to result in a great development of the island with the people peaceful and happy under the Bakufu. As the production of the island increases it is beyond the capacity of the Matsumae to handle the situation which is the reason central government officials have been sent to supervise. This territory will be handed back to the Matsumae when, in later years, laws have been set up and the traditions and customs have been altered to match those of Japan.

*648 *175 671 681 177

A [624]

F [423]

6. Though it has been said that this land belongs to the Matsumae it must be remembered that all land in Japan belongs to the Bakufu including the Matsumae territory itself. The fact is that this island was so far away from Edo that it was merely given in trust to the Matsumae. Now recognizing the lack of government, the Bakufu is administrating directly, developing this country and initiating laws and rules similar to those of Japan. It will teach agriculture to the people, encourage them to be diligent so they may be self-sufficient, reward people according to their work, and introduce the Japanese language and Japanese-style houses, and educate the people. Therefore, even after this land is given back to the trust of the Matsumae those rules and laws established by the government must be observed and not even the Matsumae may change the standards set up.

A [177]

1: Takakura H-4, 5 (no date) 1960 AB6 Ainu AB6
Feudal Japan AB2

each *Basho*. Sometimes they were held as an annual event at the beginning of the year following the traditional custom of *Omusha* and sometimes on such occasions as the arrival of officials on tours of inspection.

The *Omusha* was the most important of the annual events. It has been discussed in Part Two, Chap. IV, Sect. 1. Beginning as a ceremony of primarily economic significance, it became an occasion for the Matsumae to give presents and at the same time issue regulations and it became an integral part of the government of natives. In this period it became even more important. It was held annually in August and its intent was, as in the case of *Ekkenrei*, to win the respect of the Ezo. At the *Omusha* the officials, in a dignified manner, talked to the Ezo and gave them abundant gifts. During this occasion a number of other matters were taken care of: (1) The appointment and dismissal of Ezo with titles (*Go Ezo*). (2) The awarding of special wages and gifts to Ezo with titles. (3) The rewarding of dutiful sons and daughters and those people of good conduct. (4) The presentation of gifts to widowers, persons without families or relatives and to the old. (5) The reading of laws and regulations. The Ezo were then treated to food and sake by the *Kaishō* and the *Unjōya*. The laws differed according to the *Basho* but they are set down in greater detail than the regulations of previous periods and they covered not only public but private affairs which the authorities considered ought to be regulated. The law of the Etorofu *Basho* is quoted below.

1. Laws previously promulgated shall be strictly observed.

2. The Shogunate shall be respected; parents will be treated with care and husband and wife and brother and sister shall live in peace. Honesty shall come first in all matters.

3. All shall live on good terms without quarrels, fights, or other disputes. It is absolutely forbidden to scheme to obtain compensation. (*Tsugunai.*) Supplement: Anyone spreading false rumors is to be taken to the *Kaishō*. No arguments, quarrels, or other unfavorable incidents have been reported in the past and it is to be hoped that such strict control will be maintained. Anyone who does not willingly observe the regulations will be reported. Have nothing to do with those who violate the law but report them to the manager for judgment.

4. It is unlawful for persons to gather in large numbers to discuss unrighteous matters, regardless of their nature. This is absolutely forbidden. Anyone who without delay reports those with evil intentions shall be rewarded with gifts and his offense pardoned if he was a conspirator.

5. Persons arriving from abroad or from islands further away than Uruppu are not to be permitted to land but are to be ordered back. Such incidents are to be reported to the *Kaishō* whether by day or by night.

6. Needless to say, a report is to be made immediately if a Russian vessel is sighted and each person is then to report to the *Kaishō* with his bow and arrows.

Supplement: In the event of a foreign invasion all males between fifteen and sixty will at once leave their tasks to the women and the old and report with their weapons to

the *Kaishō*. Places for the evacuation of the children and the old are to be prepared beforehand so that no one may be taken prisoner and to eliminate any confusion.

7. In the past rice, tobacco, and sake have been brought in small amounts from Akkeshi *Basho* for trade. But ever since the Shogunate started to develop this area the people here have been diligent and the Shogunate has been generous enough to provide them with rice, sake, and tobacco in abundant amounts, as well as other necessities. The reason that many Japanese officials are stationed here is to protect this island from foreign countries and to educate the people. Appreciation is expected for these considerations and the people should work hard as ever under the direction of the contractor, manager, and guards. In comparison to the difficulties encountered in the past by the people of this island the fact that everyone now lives in abundance and without fear should be greatly appreciated and the benevolence of the Shogunate conveyed to posterity.

8. Naturally those engaged in fishing should labor diligently under the contractor, manager, and guards and preparations made for lean years by storing food in spare time.

9. Eagle tails shall be prepared, in winter, as has been done in the past and taken to the *Kaishō* when the *Otona* goes there for the New Year's greetings. Any other articles obtained shall first be inspected at the guardhouse after which they shall be presented to the *Kaishō* by the *Otona* when he calls on business.

Supplement: Since barter in furs and skins is prohibited to the guards, the *Otona* will inform all villages not to violate this prohibition.

10. As old customs are being revised, one should make one's language follow that of the guards.

11. Recently people with disheveled hair have been noticed. Everyone is on notice to dress his hair.

12. When young men reach a certain age, they shall take a wife. It is forbidden, even for *Otona*, to have many mistresses.

13. Since doctors are available, those falling ill shall immediately report to the *Kaishō* for treatment. Furthermore, it is the duty of *Otona* and *Kozukai* to see that all unfortunates, including the sick, the old without family, and the blind, are well taken care of and such cases, reported to the *Kaishō* will be taken care of by the Shogunate via the *Kaishō*.

14. If anyone, contractors, managers, guards, and even subjects at the guardhouse, acts in an unreasonable or unjust manner, such action is to be reported immediately and, in case there are matters which it is preferred not to report to the manager, they are to be reported directly to the guard posts through any villager capable of interpreting. Any other business which requires either immediate notice or privacy of handling may also be reported to the guard post as above.

15. All villagers are to maintain a coastal watch and report any unusual incident to the *Kaishō*. Such watch shall, from time to time, be conducted at night.

16. In accord with previous instructions no camp or other type of fire is permitted near *Kaishō* or guardhouses in the mountains. The *Otona* is to relay this order to all his people.

The regulations and instructions mentioned above are to be strictly observed and their meaning conveyed to all people.[7]

It should be noted that the significance of *Omusha* changes from that of the previous period. Previously

[7] *Ezo Fūzoku Ima* 2: 1.

As a matter of fact there were at this time some Ezo converts on Etorofu.[34]

This problem of Christian conversion of the ignorant Ezo was a grave one to the Bakufu. With the beginning of the direct administration of the Kuriles all images of Christ possessed by Kurilese were confiscated, crosses torn down, and resident Russians driven away. The seriousness of this concern with religion can be seen in the three articles of the first written law enacted among the Ezo, for the first article read:

> 1. Followers of perverted religions and those who follow foreigners shall be severely punished.

Following the opinions of its Magistrates the Bakufu established the Zenkōji temple (Jōdo sect) at Usu in East Ezo, the Tōjuin temple (Tendai sect) at Samashi, and the Kokutaiji temple (Zenshū sect) at Akkeshi. These temples were built and maintained at government expense. Furthermore, each temple was assigned a definite mission area. The Zenkōji temple had the area from Yamakoshinai to Shiraoi, the Tōjuin temple was allotted the region from Yubutsu to Horoizumi, and the Kokutaiji temple took charge of the land east of Tokachi. The temple regulations of 1804 read:

> 1. Services are to be carried out faithfully for the peace and safety of the nation.
> 2. The Ezo are to be taught to follow the laws and customs of the Japanese.
> 3. Masses for the dead are to be held whenever needed.
> 4. Avoid any conduct disgraceful to the nation when foreigners arrive from neighboring countries.
>
> April, 1804 [35]

The temples had an important role in native education but, while they controlled the religious activities of the land and conducted funeral services for Japanese, they did not refuse funeral rites for the natives and they were not allowed to interfere with the customary ways of the Ezo, for it was frequently announced that the temples were not built in order forcibly to convert the natives.[36] On the other hand, many priests became missionaries and brought Buddhism to the Ezo. A significant part of the history of modern colonization is the role played by religion and missionaries. The religious who protected, guided, and fought against governments in behalf of those native populations which were being degenerated by the maltreatment and ex-

[34] Shibata Sadakichi, Kirisutokyō no Ezo torai ni tsuite (The introduction of Christianity into Ezo), *Hokkaidō Kyōdo Kenkyū* (Researches into the local history of Hokkaidō), 230.

[35] *Kokutai* No. 1 published by the Kokutaiji temple in Akkeshi.

[36] "The purpose of establishing the temple is primarily to take care of the dead among officials and other Japanese from the mainland and secondarily to block the spread of any perverted religion. It has not been done for the sake of changing the funeral customs of the Ezo. The natives are to be left to their own practices. However, if any of them desires that a funeral in the Japanese manner be conducted, then it shall be done." *Kyumei Kōki*, Suppl. 1 in *SHS* 5: 1020-1021.

did enshrine Yoshitsune at Saru which was alleged to have been the capital of the Ezo and the success he achieved is unknown since the Ezo were animists and not idolators but his intention is understandable. Kondō also set up shrines at Kunashiri, Akkeshi, and other places, and taught the natives to worship at them.[48]

6. LAW

Another noteworthy matter of policy was the enactment of simple laws in Ezo. The Matsumae had regarded the Ezo as aliens yet to be assimilated and consequently all internal affairs of the natives were left to the natives to settle except incidents involving Japanese. When the Bakufu took the view that the Ezo were part of Japan, it became necessary to enact some kind of law in the island. Since the Ezo were not accustomed to Japanese ways, it was considered unfair as well as a hindrance to government to enforce the laws and penalties of the mainland. Therefore, Hayashi of the Education Ministry, acting on the three articles of the pledge of the Founder of the Han Dynasty made to the leaders of Shensi, drafted three articles for enactment into law in Ezo.

1. Heavy penalties will be imposed on persons believing in perverted religions and persons becoming friendly with foreigners.
2. The death penalty will be imposed on those who commit murder.
3. Persons who do injury to others or who commit theft shall be punished according to the seriousness of the crime.

According to Hayashi's explanations of the draft, light crimes were to be punished by a maximum sentence of three to five years at hard labor on the roads with the culprit to be shaven bald, while the penalty for misdemeanors was to be left in the hands of the administrative courts.[49] In addition to the above three clauses

can be seen from a letter he wrote to Furukawa Koshōken in June 1799:

"Millet is called *monjiro* and barnyard grass is called *biyaba*. It is said that when Minamoto no Yoshitsune came to this land years ago, he taught the natives how to plant them. At Saru and Mukawa the natives have set up wreaths at places where Yoshitsune is said to have resided." *Kondō Seisai Zenshu* 1: 22. The *Kimura Shikyō* . . . also states that this legend was believed without doubt.

[48] It is noted in the *Kimura Shikyō* . . . that on July 23 Kondō Juzo and his party set up a small shelter at Atoiya in Kunashiri and erected in its vicinity a Hangan shrine [a shrine to Minamoto Yoshitsune] and instructed the natives as follows: "A Hangan shrine has been established here and it is requested that the shrine be worshipped."

On October 10 the natives, on the occasion of the enthronement of a god at Akkeshi received the following instructions: "To worship this god is to worship the god of Edo and it is as holy a god as the god of the sun and the moon. This god bestows good luck on the virtuous and bad luck on the evil; is pleased by those who work hard but despises those who are lazy. This god protects Ezo and its surrounding sea so it is desired that this god be worshipped at all times without fail" [also given in Ainu].

[49] "If too many strict laws are enacted in an uncivilized land, it is true that these laws will act as obstacles in ruling the

the formation of groups was prohibited and one who informed the authorities of such illegal societies was to be exculpated from his own offenses including even membership in such a group. The Ezo were instructed that on the occasion of *Omusha* they should present to the managers any disputes which they were unable to settle among themselves.[30] It is a very difficult thing to enact legislation for people of a different race, language, customs, and cultural standards, for if the law is not brought into line with their habits, it can exist only nominally and, if the law is forced on these people, they will rebel and the result will be contrary to the original purpose of the laws.

Hayashi's three brief and simple laws were an attempt to avoid conflict with native custom. However, it is doubtful that these laws were fully carried out among the Ezo. While the Ezo chiefs were gradually losing their power to the Japanese, they still had great authority in their own villages and they were the law, and control of the Ezo still lay in the hands of their chiefs. Furthermore, the Bakufu was exceedingly careful not to arouse antagonism by destroying through law any ancient customs and it intended to work through the chiefs rather than to snatch their power from them. The death penalty in article two presented an awkward problem since the imposition of a penalty of death was distasteful to the Ezo.

natives. However, without any laws there would be no way to punish violent conduct and those in the wrong. It is, therefore, proposed that the Three Articles of Law enacted by the founder of the Han Dynasty upon his arrival in Shensi when he overthrew the despotic rule of Ch'in be adopted and that an additional article be added prohibiting perverted religion since Ezo is contiguous to Russian territory. These articles conform with the laws of Japan and will prevent any wrongdoing in the future. Furthermore, they are based on authority which fact will, no doubt, satisfy all parties concerned in the matter. The three articles mentioned are actually two articles which deal with three different matters and they state: 'The death penalty shall be invoked for murder'; 'Persons inflicting injury on others and persons committing robbery shall be punished'; and 'The infliction of injuries on others may be due to various reasons, some good and others bad. Degrees of robbery also vary. Therefore, a fixed punishment cannot be set beforehand. When a person has committed either one of these three things, he has violated the law but the extent to which he shall be punished must be decided after the fact.' Considering the possibility of adapting to present-day use some of the olden punishments, we find that for those who committed serious crimes, there were such penalties as cutting off the hair and hulling rice by mortar and pestle; that is, the guilty paid for their crime by manual labor. These penalties are no longer in existence but it would be an excellent idea, in my opinion, to set a certain length of time, say three or five years, as punishment for persons who inflict injuries on others or who commit robbery. During that period the convicts shall have their heads shaved and will be put to hard work constructing roads or cultivating land in order to pay for their crimes. They are to be set free when they have served their time. Other misdemeanors not covered by this law may be punished in the same manner with the length of sentence running from six months to one year." *Kyuuei Kōki*, Suppl. 1. *SHS* 5: 568–569.

[30] Refer to Etorofu Omusha moshiwatashi no koto (Instructions on *Omusha* at Etorofu).

distasteful to the Ezo. For example, in 1801, the problem arose of whether or not to execute the death sentence on the *Otona* Tashanishi of Kushiro who had killed one of his own men. Japanese officials inquired of neighboring chiefs as to whether or not the penalty should be enforced. The opinion of the chiefs was in favor of Tashanishi with the added proviso that if he were executed they would rebel.[51] The magistrate's report listed the actual culprit as Rikinkaru son of Tashanishi who while drunk struck the victim with a deer horn which injury led to the man's death. The offender apologized and requested a reconciliation by offering compensation. This occurred in August, 1799, only a few months after the promulgation of the new laws. The case was settled by Bakufu agents in form of a warning to the offender and an explanation that the new laws had not been in force long enough to be understood. The compensation was rejected as being against Bakufu policy.[52] This incident leads to the conclusion that the enactment of law was a difficult problem.[53]

7. THE ALTERATION OF CUSTOMS

The Bakufu policy was first to appease and then to guide and finally to assimilate. But while guidance of the mind is an ideal policy, obtaining quick results from such a policy is another question. However, native guidance being an urgent matter, Bakufu officials strove to alter native customs and to Japanize the daily pattern of life. Those who desired to change customs were permitted to shave their heads and adopt Japanese hair styles and were given Japanese clothes. Japanese style homes were given to industrious persons and their names were changed to sound as though they were Japanese. The Bakufu abolished the old Matsumae prohibitions against the use of hats in rainy weather, straw rain coats and straw sandals, while on the other hand, the use of earrings and tattooing was prohibited. In this way it was hoped to alter the appearance of the natives so that as much as possible their mode of living would look Japanese. It should be added that agriculture was encouraged in an attempt to make the Ezo live on cereals instead of meat [54] while the traditions of *Mekkakiri*[55] and the bear festival were prohibited.[56]

[51] Mogami Tokunai, Akkeshi Ran moshiage (Report on the rebellion at Akkeshi).

[52] Higashi Ezo Kusuri Basho Otona Tashanishi ikken no gi ni tsuki otazune no omomuki sani kotae moshiage sōrō (Reply to your request for information concerning the incident of Tashanishi the *Otona* of Kusuri Basho in East Ezo), *Kyumei Kōki*, Suppl. 6, *SHS* 5: 786-787.

[53] Takakura Shinichirō, Waga kuni saisho no shokuminchi hosei (The first colonial laws of this country), *Hōritsu Shunjū* 5 (4).

[54] Ezochi Goyoshuii shikaimuki mōshiwatasari sōrō.

[55] According to *Hokkaidō Shi* 1: 475, *Mekkakiri* was a ceremony in which "the relatives of the deceased gathered to weep and to beat with sticks or the blunt side of a sword in an attempt to forget their grief." It is also called *Mekkauchi*. *Mekka* means "the back of a thing" and *Uchi* or *Kiri* probably

2: Batchelor M-5 (1877-1924)1927
AB6 Ainu AB6

CHAPTER VI

THE VILLAGE COMMUNITY

"Before the tremendous shock of present day civilization, with all its harassing worries, vexatious rules, unbending laws, burdensome taxes, and crowds of immigrants, came upon us," say the Ainu, "our fathers had an easy time of it, without care and anxiety, and lived in quiet contentment and general happiness. But now all is change and the struggle for existence is wiping us out!" Poor fellows, they feel it sadly, notwithstanding all the protection and sympathy they are now getting.

According to ancient tradition, the Ainu people never had a monarchy. The elders of the race divided the government among the inhabitants of the separate villages, thus making each village community a small semi-independent state. And it seems to have worked well. The elders of each village assembled, I was told, and chose a chief and two sub-chiefs to manage the general affairs of the people, the women also being in attendance when such were being chosen. The principal chief, or, in the case of his absence, one of the sub-chiefs, was present at funerals to assist in burying the dead, or at marriages to signify his consent and cheer the young couple with his good wishes, or to assist in dividing up the meat or fish brought in by the hunters and fishermen.

The chiefs, together with the people, including the women, made the laws and sat in judgment upon the law-breakers. There were no law codes or clearly defined prescriptive rights, for the Ainu had no script.

[p. 35]

4: Landor T-5 (ca. 1890)1893 AB6 Ainu AB6

157 appear to act more automatically than with keen and constructive intelligence.

The Ainu are not to be taken *au pied de la lettre*, for the illusions produced by ignorance and untutored imagination prevent anything like literal accuracy; but they are not what we may call conscious and immoral liars. A good example of this is my adventure at Horobets, when, although they knew that they would be severely punished by the Japanese policeman, the Ainu confessed their attack on me, and did not attempt either denial or evasion. They are often plucky, and even distinctly courageous; as, when out bear-hunting, a man armed only with a large and not over sharp knife unhesitatingly attacks this formidable beast, who sits up on his hind quarters, sure to crush the life out of his assailant should he miss his stroke. The Ainu, protecting his head with his left arm, and having taken the precaution to cover his back with skins, goes merrily for the embrace; and while Bruin squeezes, the hairy man splits its body open with the large knife.

152 The Ainu are cool-blooded. They are not subject to strong emotions, and therefore they are not much affected by dreams and nightmares. They are not affectionate except for a momentary impulse; but, like most animals, they are faithful 152 when they love. Mothers are fond of their children till they 593 have reached puberty; but after that the affection seems to fade away. Paternal love is much less strong.

150 The pure Ainu are comparatively honest people, which may 577 be due to the incapacity for being dishonest. In a country where there is no exact definition of property, where anybody can get what he requires without resorting to theft, there is no reason why everybody should not be honest. Then, according to Ainu ideas, stealing is not always stealing. For instance, 183 if an Ainu, without asking, takes away some of the salmon [685] caught by one of his hairy brethren, he will be blamed for it, he will get into a row, and probably be beaten; but if the theft is perpetrated on a Japanese or a stranger he will be praised, though the Ainu well knows that he is not acting right. Their desire is stronger than their conscience, such as it is; and having no laws of their own to rule them worth [671] speaking of, they often do according to their desire, without deserving the accusation of conscious dishonesty. It is exactly

4: Landor T-5 (ca. 1890) 1893 AB6 Ainu AB6

brains in bettering their miserable condition and filthy mode of living. They would have striven to make the beginnings of a history and a literature, or at least to have devised or adopted some mode of writing with which they could preserve these high ideas, and pass them on from generation to generation. Even their language is so poor in words as to hardly express their everyday wants. The Ainu are low in the scale of humanity. They have always been low; they have not sunk, for they have never risen. They have never done any harm in this world, and they will never do any good.

The Ainu are without laws, which, paradoxical as it sounds, to a great extent makes them good. People are never so good as when no harm can be done. There are indeed few crimes among them; no voluntary infanticides; very very rarely murders; no suicides; little theft, and as little treachery among people of the same tribe. Though usually retiring and reserved, they are hospitable on special occasions, and generous with what little they possess. The young show an instinctive reverence for the aged, without considering it a virtue or a duty. Cowardice is despised by the Ainu, but courage, endurance of pain, and hardship, drunkenness, and similar qualities, are looked on as the chief virtues in men. Punishments are seldom inflicted by Ainu on any of their tribesmen, and the crime must indeed be great to raise the whole community against the criminal. If by rare chance some great evil has been done, the chief of the village and all the men assemble, and decide on the punishment to be inflicted. Flogging is the general punishment for the lesser crimes, which, according to Ainu ideas, are theft and assault. The murder of a tribesman is sometimes punished by cutting the tendons of the hands and feet of the murderer, thus disabling him from hunting or fishing. If, however, the man murdered was of another tribe, or a Japanese, this Draconian kind of justice is not administered. Quarrels among tribesmen are settled by private retribution, and no one interferes either one way or the other. These quarrels, however, very seldom occur, as the Ainu are naturally a peaceful people. Imprisonment does not exist, for the simple reason that the Ainu have no prisons. They do not know what a prison is; neither is capital punishment practised by them. According to their own ideas they are not cruel to children, for we